

SECTION 13

DORMANT DEVELOPMENTS

13.01 EXPIRATION DATE FOR DORMANT DEVELOPMENTS

- A. **Expiration Date/Dormant Status:** Any development application for any use, including specific use permits, authorized and approved under these zoning regulations or predecessor zoning regulations prior to May 11, 1999, which is not subject to an expiration date, including without limitation, applications for concept plans, preliminary site plans, development plans, or site plans, shall expire without further action by the City on May 11, 2004, except as otherwise provided herein, unless progress has been made toward completion of the development of the land subject to the approved application as of May 11, 2000.
- B. **Progress Towards Completion Defined:** For purposes of this Section 13, progress toward completion of the development of land shall be considered to have occurred if as of May 11, 2000:
1. the approved application did not have an expiration date; and
 2. any one or more of the following had occurred:
 - a. an application for a final plat or plan was properly filed in accordance with City ordinances, and said final plat or plan has not expired;
 - b. a good-faith attempt was made to file an application for a permit required to begin or continue towards completion of the development;
 - c. costs were incurred for developing the project, including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the development (but not including the cost of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised value of the real property on which the project is located;
 - d. fiscal security was posted with the City, or other regulatory agency, to ensure performance of obligations required by City ordinances and/or regulatory agencies; or
 - e. utility connection fees or impact fees for the project were paid to the appropriate authority or regulatory agency.
- C. **Notice to Owner:** Property owners with a development application that is

subject to this expiration will be notified by mail, at the address indicated on the most recently approved Municipal Tax Roll at the time of mailing of the notice, of such expiration on or before May 1, 2004.

13.02 Director's Report to City Council

At least sixty (60) days prior to the expiration date, the Director shall prepare a report to the City Council identifying which approved applications are due to expire pursuant to this Section 13. The Director at his sole discretion may include land that is subject to a subsequent, approved development application that is subject to an expiration date pursuant to these zoning regulations or pursuant to other City development regulations currently in effect, where it appears that such application may itself expire.